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QM22/1108

EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

23

DATE MAILED:

11/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/134,854

Applicant(s)

Miller et al.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 17, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14-23, 40, 47-55, 61, 65-79, and 82-84 is/are pending in the application.
- 4a) Of the above, claim(s) 74-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-23, 40, 47-55, 61, 65-73, 79, and 82-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on May 24, 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. The amendments filed February 21, 2001 and August 17, 2001 have been entered. It is noted that in view of the new amendment practice under 37 CFR 1.121 which became mandatory for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

### ***Drawings***

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on May 24, 2001 have been **approved**. Additionally, the substitute drawings including the proposed changes were received on May 24, 2001.

### ***Claim Rejections - 35 USC § 112***

3. Claims 1-8, 14-23, 47-55, 65-73, 79 and 82-84 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims remain replete with vague and

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indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

Claims 1-8, 14, 79:

In claim 1, line 3, <sup>✓</sup>“fence” is vague and indefinite as to what disclosed structure it refers, particularly since the description to a fence in the specification refers to the workpiece fence 60 which is described as being the same as the workpiece guide 60, and thus it is not clear how the workpiece guide can comprise itself; in line 6, <sup>✓</sup>“a work support surface” is vague and indefinite as to what disclosed structure it refers.

In claim 2, line 5, <sup>✓</sup>“first side wall” is vague as to whether it refers to that previously set forth or to another such side wall.

In claim 5, line 2, <sup>✓</sup>“said infeed platform” lacks antecedent basis.

In claim 6, line 2, <sup>✓</sup>“a second infeed work support surface” is vague and indefinite as to what disclosed structure it refers.

In claim 7, lines 1-2, <sup>✓</sup>“said threaded member” is vague as to which one, and it seems that --second-- should be inserted before “threaded” or the like.

In claim 8, lines 1-2, <sup>✓</sup>“said threaded member” is vague as to which one, and it seems that --second-- should be inserted before “threaded” or the like.

In claim 79, line 3, <sup>✓</sup>“said threaded member and said work support surface” is vague and indefinite and appears to be inaccurate since the only “base” claimed is that for the second

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threaded member, and thus it is not clear as to which threaded member and work support surface are referred.

Claims 15-23, 82-84:

In claim 15, line 6, <sup>✓</sup>“fence” is vague and indefinite as to what disclosed structure it refers, particularly since the description to a fence in the specification refers to the workpiece fence 60 which is described as being the same as the workpiece guide 60, and thus it is not clear how the workpiece guide can comprise itself; in lines 7-8, <sup>✓</sup>“infeed work support surface” is vague and indefinite as to what disclosed structure it refers; in lines 8-9, <sup>✓</sup>the recitation “wherein said infeed work support surface is substantially coplanar with ... and an adjustment mechanism on said infeed extension” is vague as to what is being set forth, particularly as to whether “and an adjustment mechanism” is setting forth a separate limitation or whether it is intended that the infeed work support surface is substantially coplanar therewith (e.g., if is intended to be a separate limitation, it seems that a comma --,-- should be inserted in line 9 after “surface”).

In claim 16, lines 2-4, <sup>✓</sup>the recitation “said infeed extension integral to said infeed end of said fence and said infeed work support surface adjacent to said side wall” is vague as to what is being set forth, and it seems that a comma --,-- should be inserted in line 3 after “fence” for clarity.

Claim 17 <sup>✓</sup>is vague as to what is being set forth, and it seems that a comma --,-- should be inserted in line 2 after “rail” for clarity.

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In claim 18, lines 1-2, structural cooperation is not positively provided for “at least one support element”, particularly with respect to the infeed rail.

In claim 20, line 3, “a second infeed work support surface” is vague and indefinite as to what disclosed structure it refers.

In claim 22, line 1, “said threaded member” is vague and indefinite as to which threaded member.

In claim 23, line 1, “said threaded member” is vague and indefinite as to which threaded member.

Claims 47-55:

In claim 47, line 7, “fence” is vague and indefinite as to what disclosed structure it refers, particularly since the description to a fence in the specification refers to the workpiece fence 60 which is described as being the same as the workpiece guide 60, and thus it is not clear how the workpiece guide can comprise itself.

In claim 48, lines 3-4, “an infeed work support surface” is vague and indefinite as to what disclosed structure it refers.

In claim 50, lines 1-2, structural cooperation is not positively provided for “at least one support element”, particularly with respect to the infeed rail.

In claim 55, line 2, the recitation “within the surface of said infeed work support surface” is vague and indefinite as to what is being set forth, particularly since it is not clear as to what is

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the difference between the surface and the work support surface, and it seems that “the surface of” should be deleted or the like.

Claims 65-73:

In claim 65<sup>\*</sup>, line 3, “fence” is vague and indefinite as to what disclosed structure it refers, particularly since the description to a fence in the specification refers to the workpiece fence 60 which is described as being the same as the workpiece guide 60, and thus it is not clear how the workpiece guide can comprise itself; also in line 3, a comma --,-- should be inserted after “outfeed end” for clarity.

In claim 66<sup>\*</sup>, lines 3-4, “an infeed work support surface” is vague and indefinite as to what disclosed structure it refers.

In claim 73<sup>\*</sup>, line 2, the recitation “within the surface of said infeed work support surface” is vague and indefinite as to what is being set forth, particularly since it is not clear as to what is the difference between the surface and the work support surface, and it seems that “the surface of” should be deleted or the like.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-5, 14 and 79, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Delta Model 36-906 (hereafter Delta '906).

Delta '906 discloses a workpiece guide (e.g., in Figure 47) with every structural limitation of the claimed invention as best understood from the claims including an infeed extension which is integral to the infeed end of the fence (e.g., it is part of and therefore integral with the fence/workpiece guide).

6. Claim 40 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Royle, pn 1,387,869.

7. Claim 61 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Boice, pn 2,166,703.

***Claim Rejections - 35 USC § 102/103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6-8, as understood, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Delta model 36-906 (hereafter Delta '906).

Delta '906 discloses a workpiece guide with every structural limitation of the claimed invention including threaded members (e.g., C, D) having a base portion and a head portion.



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In the alternative, if it is argued that Delta '906 does not disclose a body portion on the threaded member, the Examiner's takes Official notice that such features are old and well known in the art for various known reasons including providing a flat surface of a material that is sufficiently soft so as not to mar the corresponding guide rail. Therefore, it would have been obvious to one having ordinary skill in the art to provide base portions on the threaded members of Delta '906 for the well known reasons including that described above.

***Claim Rejections - 35 USC § 103***

10. Claims 15-23, 65-73 and 82-84, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Delta model 36-906 (hereafter Delta '906) in view of Hughes et al., pn 4,964,450 and Boice, pn 2,166,703.

Delta '906 discloses a saw with a workpiece guide (e.g., in Figure 47), wherein the saw includes almost every structural limitation of the claimed invention but lacks an outfeed rail. Hughes et al. discloses that it is old and well known to provide two guide rails for various well known benefits including added guide stability. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second guide rail on the device of Delta '906 for the well known benefits including that described above.

Regarding claim 15, Delta '906 discloses a saw (e.g., in Figure 47) with a workpiece guide comprising an infeed extension including at least one infeed work support surface (e.g., the boss areas surrounding threaded members C and D), wherein the infeed work support surface is

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substantially coplanar with the work surface of the saw. However, the Examiner takes Official notice that it is old and well known in the art to provide a surface or surfaces on a work piece guide that is/are substantially coplanar with the work surface of the saw so as to provide additional stability to the work piece upon operation thereof. Therefore, it would have been obvious to one having ordinary skill in the art to make the surfaces of the boss areas, or the surface of the infeed extension in general, substantially coplanar with the work surface of the saw for the well known benefits including that described above.

Regarding claims 21-23 and 71-73, if it is argued that Delta '906 does not disclose a body portion on the threaded member, the Examiner's takes Official notice that such features are old and well known in the art for various known reasons including providing a flat surface of a material that is sufficiently soft so as not to mar the corresponding guide rail. Therefore, it would have been obvious to one having ordinary skill in the art to provide base portions on the threaded members of Delta '906 for the well known reasons including that described above.

Regarding claims 65-73, Delta '906 lacks the specific shape or cross section of the guide rails. However, such a guide rail configuration is old and well known in the art as evidenced, or example, by Boice and provides various well known benefits including ease of manufacture, enhanced performance benefits such as added stability or other known operational benefits as taught by Boice. Therefore, it would have been obvious to one having ordinary skill in the art to provide guide rails of any known shape or cross section including those set forth in claim 61 for the well known benefits including those described above.

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11. Claims 47-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delta model 36-906 (hereafter Delta '906) in view of Hughes et al., pn 4,964,450 and Royle, pn 1,387,869.

Delta '906 discloses a saw with a workpiece guide (e.g., in Figure 47), wherein the saw includes almost every structural limitation of the claimed invention but lacks (a) an outfeed rail, and lacks (b) a debris collection system as claimed.

Regarding (a), Hughes et al. discloses that it is old and well known to provide two guide rails for various well known benefits including added guide stability. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second guide rail on the device of Delta '906 for the well known benefits including that described above.

Regarding (b), Royle discloses a debris collection system for removing particles from the cutting area of a cutting tool for various reasons including minimizing debris within the work area and the cutter operating area. Therefore, it would have been obvious to one having ordinary skill in the art to provide a debris collection system on the saw of Delta '906 for the benefits taught by Royle including that described above.

Regarding claims 53-55, if it is argued that Delta '906 does not disclose a body portion on the threaded member, the Examiner's takes Official notice that such features are old and well known in the art for various known reasons including providing a flat surface of a material that is sufficiently soft so as not to mar the corresponding guide rail. Therefore, it would have been

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obvious to one having ordinary skill in the art to provide base portions on the threaded members of Delta '906 for the well known reasons including that described above.

***Response to Arguments***

12. Applicant's arguments filed February 21, 2001 have been fully considered but they are not persuasive.

In the second paragraph on page 9 of the amendment, applicant argues that "the Delta '906 work piece guide does not include a 'work support surface, wherein the work support surface is substantially perpendicular to said guide surface'. Nor does Delta '906 include an 'adjustment mechanism comprising threaded bore in said work support surface and a threaded member disposed therein.'" The Examiner respectfully disagrees. As viewed in Figure 47 (page 15 of the publication), Delta '906 clearly discloses threaded members (C, D) disposed in threaded bores, wherein the threaded bores are each formed in a work support surface which is a substantially horizontal surface as shown in Figure 47 and thus is substantially perpendicular to the guide surface (A, which is substantially vertical in Figure 47).

Regarding applicant's arguments on pages 11-13 of the amendment directed to the rejection of claim 61, the Examiner has now provided prior art, specifically U. S. Patent 2,166,703 to Boice, in support of the taking of Official notice in the previous Office action.

13. Applicant's arguments with respect to claims 15 and 40 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

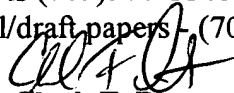
14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

  
**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfid  
November 2, 2001

Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a)

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.